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10/519,043	12/22/2004	Scott Allan Kendall	PU020320	7029
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EXAMINER				
BAIG, SAHAR A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/519,043

**Applicant(s)**

KENDALL, SCOTT ALLAN

**Examiner**

SAHAR A. BAIG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 04/15/2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the Applicant in asserting that Thibadeau fails to disclose providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance.

See Col. 10 lines 45-52, wherein the lowest most point is considered the farthest from a reference point, thus exceeding a predetermined distance. Further, Thibadeau discloses that geographic information is encoded to define a geometric property which may have two or more dimensions, generally designated as a "region". At a minimum, the region has no extension in any dimension, being a single point. This point designation can be employed to designate, for example, the location of a service or goods provider in a commercial broadcast. Other regions may be represented by a simple closed geometric shape (such as a point and a radius to define a circular region, e.g., a region in which a merchant may provide free delivery service). Consider Fig.6, it is anticipated that the point lying in the region between circle 602 and square 605 is outside the free delivery service zone. Hence the user will receive some sort of notification to detect that he or she is not eligible for free delivery. **[See also Col. 10 lines 35-44].**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1, 3, 4, 5, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19, and 21 rejected under 35 U.S.C. 102(b) as being anticipated by Thibadeau et al. (US Patent No. 5,565,909).

Regarding Claim 1, 3, 8, 10, 15, and 17, Thibadeau discloses a method for controlling a television signal receiver having an emergency alert function with an associated setup process, said setup process comprising [**Col. 3 lines 35-40**]:  
**receiving an input representing a geographical area; and providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance [Col. 10 lines 35-45].**

Regarding Claim 4, 7, 11, 14, 18, and 21, Thibadeau discloses the said reference point to be a center point of said other geographical area [**Col. 13 lines 63-64**];  
*Region 302 is the region surrounding the location of interest 304.]*

Regarding Claims 5, 12, and 19, Thibadeau discloses that the reference point corresponds to a location of a transmitter which transmits emergency alert signals [Col. 15 lines 44-54].

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2, 9, and 16, rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al. (US Patent No. 5,565,909).

Regarding Claim 2, 9, and 16, Thibadeau fails to explicitly teach the use of FIPS location code. **Federal Information Processing Standards (FIPS)** are publicly announced standards developed by the United States Federal government for use by all non-military government agencies and by government contractors. To include this feature would have been obvious to one of ordinary skill in the art.

6. Claim 6, 13, and 20, rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al. (US Patent No. 5,565,909) in view of Lemelson et al. (US Patent No. 6,084,510).

Regarding Claim 6, 13, and 20, Thibadeau teaches all of the claimed limitations except that the transmission range of the transmitter corresponds to the predetermined distance. In analogous art, Lemelson discloses an emergency response system wherein radio receivers and TV sets can be equipped with GPS receivers to receive GPS signals or, alternatively, have their location coordinates determined by other conventional devices, such as, radio ranging systems, optic systems, or the like, entered by users [Col. 10 lines 46-51]. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Thibadeau and Lemelson to develop an emergency broadcast system capable of computing the distance range from the transmitting site to the user.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

SB